

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2826 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
  2. To be referred to the Reporter or not? : YES
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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RABARIKA SERVICE CO-OP SOC LTD

Versus

ADDL. REGISTRAR CO-OPERATIVE SOCIETIES(APPEALS  
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Appearance:

MR PM THAKKAR for Petitioner  
Mr.K.P. Raval, ASSTT. GOVERNMENT PLEADER for  
Respondent No. 1  
DS AFF.NOT FILED (R) for Respondent No. 3  
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CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 15/12/2000

ORAL JUDGEMENT

The petition was ordered to be heard with Special  
Civil Application No.5078 of 1986. On 8.12.2000 the

office was directed to place the papers of SCA No.5078 of 1986 along with this matter. Accordingly, the papers of Special Civil Application No.5078 of 1986 are placed along with this matter. Said matter was allowed by judgement and order dated 12.2.1996 by this Court (Coram: N.N. Mathur, J.). It is given out that the facts of the present case are identical to that of earlier petition. In the present case also being aggrieved of an order dated 31.3.1983, a revision application was filed which was rejected by order dated 22.6.1987. It is this order which is under challenge in this Special Civil Application.

2. For the reasons recorded in the judgement and order dt.12.2.1996 and in view of the fact that the facts of the present case are identical, this petition stands allowed and the matter is remitted to the Assistant Registrar for passing a fresh order. Order dated 22.6.1987 passed by the Registrar of Cooperative Societies and order dated 31.3.1983 passed by Assistant District Registrar are quashed and set aside. It would be open for the Assistant Registrar to pass a fresh order after hearing the concerned parties.

3. The petition is allowed. Rule is made absolute to the aforesaid extent. No order as to costs.

15th December 2000 (Ravi R. Tripathi, J.)

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